



General Assembly

February Session, 2004

Substitute Bill No. 5610

* _____HB05610ENV____031604_____*

**AN ACT CONCERNING MUNICIPAL EXEMPTIONS FROM INLAND
WETLANDS PERMITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22a-40 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (a) The following operations and uses shall be permitted in
5 wetlands and watercourses, as of right:

6 (1) Grazing, farming, nurseries, gardening and harvesting of crops
7 and farm ponds of three acres or less essential to the farming
8 operation, and activities conducted by, or under the authority of, the
9 Department of Environmental Protection for the purposes of wetland
10 or watercourse restoration or enhancement or mosquito control. The
11 provisions of this subdivision shall not be construed to include road
12 construction or the erection of buildings not directly related to the
13 farming operation, relocation of watercourses with continual flow,
14 filling or reclamation of wetlands or watercourses with continual flow,
15 clear cutting of timber except for the expansion of agricultural crop
16 land, the mining of top soil, peat, sand, gravel or similar material from
17 wetlands or watercourses for the purposes of sale;

18 (2) A residential home [(i)] (A) for which a building permit has been

19 issued, or [(ii)] (B) on a subdivision lot, provided the permit has been
20 issued or the subdivision has been approved by a municipal planning,
21 zoning or planning and zoning commission as of the effective date of
22 promulgation of the municipal regulations pursuant to subsection (b)
23 of section 22a-42a, as amended, or as of July 1, 1974, whichever is
24 earlier, and further provided no residential home shall be permitted as
25 of right pursuant to this subdivision unless the permit was obtained on
26 or before July 1, 1987;

27 (3) Boat anchorage or mooring;

28 (4) Uses incidental to the enjoyment and maintenance of residential
29 property, such property defined as equal to or smaller than the largest
30 minimum residential lot site permitted anywhere in the municipality,
31 provided in any town, where there are no zoning regulations
32 establishing minimum residential lot sites, the largest minimum lot site
33 shall be two acres. Such incidental uses shall include maintenance of
34 existing structures and landscaping but shall not include removal or
35 deposition of significant amounts of material from or onto a wetland
36 or watercourse or diversion or alteration of a watercourse;

37 (5) Construction and operation, by water companies as defined in
38 section 16-1, as amended, or by municipal water supply systems as
39 provided for in chapter 102, of dams, reservoirs and other facilities
40 necessary to the impounding, storage and withdrawal of water in
41 connection with public water supplies except as provided in sections
42 22a-401 and 22a-403; [and]

43 (6) [Maintenance] Except as provided in subdivision (7) of this
44 subsection, maintenance relating to any drainage pipe which existed
45 before the effective date of any municipal regulations adopted
46 pursuant to section 22a-42a, as amended, or July 1, 1974, whichever is
47 earlier, provided such pipe is on property which is zoned as residential
48 but which does not contain hydrophytic vegetation. For purposes of
49 this subdivision, "maintenance" means the removal of accumulated
50 leaves, soil, and other debris whether by hand or machine, while the

51 pipe remains in place; and

52 (7) Maintenance of existing road systems for public health and
 53 safety purposes by a municipality, provided such maintenance does
 54 not increase the width, height, shoulder or embankments associated
 55 with the road or alter the drainage discharge locations. For purposes of
 56 this subdivision, "maintenance" means activities involving skim coat,
 57 overlay, chip seal, crack seal, pothole repair, catch basin cleaning,
 58 snow plowing, road sanding, curbing repair, curb-side mowing,
 59 drainage system cleaning, catch basin repair, detention facility
 60 cleaning, bridge scupper repair, road signage repair, guide rail repair,
 61 line stripping and garbage and debris removal. The provisions of this
 62 subdivision shall not include depositing any material removed as a
 63 result of such maintenance into any wetland or watercourse.

This act shall take effect as follows:	
Section 1	October 1, 2004

ENV Joint Favorable Subst.